

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 11-CR-229

Judge Gregory L. Frost

THOMAS E. EDWARDS,

Defendant.

ORDER

This matter came on for consideration upon Defendant's Motion to Disqualify Judges (ECF No. 106) filed on May 27, 2014.

For the reasons that follow, Defendant's Motion is found to be not well taken and the same is **DENIED**.

Defendant's Motion requests that this Judge disqualify himself and relies on 28 U.S.C. § 455(a). 28 U.S.C. § 455(a) provides:

(a) Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

The issue in this matter is whether this Court's impartiality may be reasonably questioned because this Court corrected a scrivener's error in a sentencing order. This Court sentenced Defendant for a sixty (60) month term of imprisonment and a thirty-eight (38) month term of imprisonment. In open Court the sentences were ordered to be served consecutively with each other. When it was discovered that the written order was incorrect, this Court filed an amended order to conform with the sentence imposed in open Court.

A Judge's impartiality cannot be reasonably questioned by simply correcting an order to conform to the sentence imposed.

Accordingly, Defendant's Motion to Disqualify Judges is **DENIED**.

IT IS SO ORDERED.

/s/ Gregory L. Frost

Gregory L. Frost
United States District Judge